

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

**ELAINE LANG ROSETE**  
**A.K.A. ELAINE LY**

Applicant for Registered Nurse License

Respondent

Case No. 2012 -380

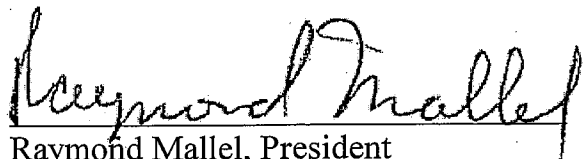
OAH No. 2011120867

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **December 6, 2012.**

IT IS SO ORDERED **November 6, 2012.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
12 Against:

13 **ELAINE LANG ROSETE AKA**  
**ELAINE LY**  
14 **290 South Lemon Street, Unit 417**  
**Anaheim, CA 92805**

15  
16  
17 Respondent.

Case No. 2012-380

OAH No. 2011120867

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 PARTIES

22 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the  
23 Board of Registered Nursing. She brought this action solely in her official capacity and is  
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
25 Desiree I. Kellogg, Deputy Attorney General.  
26  
27  
28

2. Respondent Elaine Lang Rosete aka Elaine Ly (Respondent) is represented in this proceeding by attorney John Bishop, Esq., whose address is: 1100 W. Town & Country Rd., Ste. 1010, Orange, CA 92868-4651.

3. On or about May 25, 2011, Respondent filed an application dated May 2, 2011, with the Board of Registered Nursing to obtain a Registered Nurse License.

## JURISDICTION

4. Statement of Issues No. 2012-380 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on December 20, 2011.

5. A copy of Statement of Issues No. 2012-380 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Statement of Issues No. 2012-380. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 2012-380.



**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that the application of Respondent Elaine Lang Rosete aka Elaine Ly for licensure is hereby granted. Upon successful completion of the licensure examination and all other licensing requirements, a license shall be issued to Respondent. Said license shall immediately be revoked; the order of revocation stayed and Respondent placed on probation for a period of three (3) years on the following conditions:

**Severability Clause.** Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**Criminal Court Orders:** If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

1           3.     **Report in Person.** Respondent, during the period of probation, shall appear in  
2 person at interviews/meetings as directed by the Board or its designated representatives.

3           4.     **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
4 practice as a registered nurse outside of California shall not apply toward a reduction of this  
5 probation time period. Respondent's probation is tolled, if and when she resides outside of  
6 California. Respondent must provide written notice to the Board within 15 days of any change of  
7 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
8 returning to practice in this state.

9           Respondent shall provide a list of all states and territories where she has ever been licensed  
10 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
11 information regarding the status of each license and any changes in such license status during the  
12 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing  
13 license during the term of probation.

14          5.     **Submit Written Reports.** Respondent, during the period of probation, shall submit  
15 or cause to be submitted such written reports/declarations and verification of actions under  
16 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
17 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
18 Respondent shall immediately execute all release of information forms as may be required by the  
19 Board or its representatives.

20          Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
21 state and territory in which she has a registered nurse license.

22          6.     **Function as a Registered Nurse.** Respondent, during the period of probation, shall  
23 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
24 6 consecutive months or as determined by the Board.

25          For purposes of compliance with the section, "engage in the practice of registered nursing"  
26 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
27 non-direct patient care position that requires licensure as a registered nurse.

28          The Board may require that advanced practice nurses engage in advanced practice nursing

1 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

2 If Respondent has not complied with this condition during the probationary term, and  
3 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
4 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
5 extension of Respondent's probation period up to one year without further hearing in order to  
6 comply with this condition. During the one year extension, all original conditions of probation  
7 shall apply.

8 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
9 prior approval from the Board before commencing or continuing any employment, paid or  
10 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
11 performance evaluations and other employment related reports as a registered nurse upon request  
12 of the Board.

13 Respondent shall provide a copy of this Decision to her employer and immediate  
14 supervisors prior to commencement of any nursing or other health care related employment.

15 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
16 (72) hours after she obtains any nursing or other health care related employment. Respondent  
17 shall notify the Board in writing within seventy-two (72) hours after she is terminated or  
18 separated, regardless of cause, from any nursing, or other health care related employment with a  
19 full explanation of the circumstances surrounding the termination or separation.

20 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
21 Respondent's level of supervision and/or collaboration before commencing or continuing any  
22 employment as a registered nurse, or education and training that includes patient care.

23 Respondent shall practice only under the direct supervision of a registered nurse in good  
24 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
25 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
26 approved.

27 Respondent's level of supervision and/or collaboration may include, but is not limited to the  
28 following:

1 (a) Maximum - The individual providing supervision and/or collaboration is present in  
2 the patient care area or in any other work setting at all times.

3 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
4 care unit or in any other work setting at least half the hours Respondent works.

5 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
6 person communication with Respondent at least twice during each shift worked.

7 (d) Home Health Care - If Respondent is approved to work in the home health care  
8 setting, the individual providing supervision and/or collaboration shall have person-to-person  
9 communication with Respondent as required by the Board each work day. Respondent shall  
10 maintain telephone or other telecommunication contact with the individual providing supervision  
11 and/or collaboration as required by the Board during each work day. The individual providing  
12 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
13 patients' homes visited by Respondent with or without Respondent present.

14 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
15 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
16 or for an in-house nursing pool.

17 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
18 registered nursing supervision and other protections for home visits have been approved by the  
19 Board. Respondent shall not work in any other registered nursing occupation where home visits  
20 are required.

21 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
22 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
23 and/or unlicensed assistive personnel on a case-by-case basis.

24 Respondent shall not work as a faculty member in an approved school of nursing or as an  
25 instructor in a Board approved continuing education program.

26 Respondent shall work only on a regularly assigned, identified and predetermined  
27 worksite(s) and shall not work in a float capacity.

28 If Respondent is working or intends to work in excess of 40 hours per week, the Board may



1 request documentation to determine whether there should be restrictions on the hours of work.

2       10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and  
3 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
4 months prior to the end of her probationary term.

5       Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
6 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
7 above required course(s). The Board shall return the original documents to Respondent after  
8 photocopying them for its records.

9       11. **Violation of Probation.** If Respondent violates the conditions of her probation, the  
10 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
11 and impose the stayed discipline (revocation/suspension) of Respondent's license.

12       If during the period of probation, an accusation or petition to revoke probation has been  
13 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
14 an accusation or petition to revoke probation against Respondent's license, the probationary  
15 period shall automatically be extended and shall not expire until the accusation or petition has  
16 been acted upon by the Board.

17       12. **License Surrender.** During Respondent's term of probation, if she ceases practicing  
18 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
19 Respondent may surrender her license to the Board. The Board reserves the right to evaluate  
20 Respondent's request and to exercise its discretion whether to grant the request, or to take any  
21 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
22 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be  
23 subject to the conditions of probation.

24       Surrender of Respondent's license shall be considered a disciplinary action and shall  
25 become a part of Respondent's license history with the Board. A registered nurse whose license  
26 has been surrendered may petition the Board for reinstatement no sooner than the following  
27 minimum periods from the effective date of the disciplinary decision:

28       (1) Two years for reinstatement of a license that was surrendered for any reason other

1 than a mental or physical illness; or

2 (2) One year for a license surrendered for a mental or physical illness.

3 13. **Mental Health Examination.** Respondent shall, within 45 days of the effective date  
4 of this Decision, have a mental health examination including psychological testing as appropriate  
5 to determine her capability to perform the duties of a registered nurse. The examination will be  
6 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by  
7 the Board. The examining mental health practitioner will submit a written report of that  
8 assessment and recommendations to the Board. All costs are the responsibility of Respondent.  
9 Recommendations for treatment, therapy or counseling made as a result of the mental health  
10 examination will be instituted and followed by Respondent.

11 If Respondent is determined to be unable to practice safely as a registered nurse, the  
12 licensed mental health care practitioner making this determination shall immediately notify the  
13 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
14 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
15 practice and may not resume practice until notified by the Board. During this period of  
16 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
17 is required, until the Board has notified Respondent that a mental health determination permits  
18 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
19 probationary time period.

20 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
21 requirement, Respondent shall immediately cease practice and shall not resume practice until  
22 notified by the Board. This period of suspension will not apply to the reduction of this  
23 probationary time period. The Board may waive or postpone this suspension only if significant,  
24 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
25 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
26 Only one such waiver or extension may be permitted.


27 14. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in  
28 an on-going counseling program until such time as the Board releases her from this requirement

1 and only upon the recommendation of the counselor. Written progress reports from the counselor  
2 will be required at various intervals.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
5 discussed it with my attorney, John Bishop, Esq. I understand the stipulation and the effect it will  
6 have on my Registered Nurse License, and Vocational Nurse License. I enter into this Stipulated  
7 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
8 bound by the Decision and Order of the Board of Registered Nursing.

9  
10 DATED: 8/1/12

  
11 ELAINE LANG ROSETE AKA ELAINE LY  
Respondent

12 I have read and fully discussed with Respondent Elaine Lang Rosete aka Elaine Ly the  
13 terms and conditions and other matters contained in the above Stipulated Settlement and  
14 Disciplinary Order. I approve its form and content.

15 DATED: 8/1/12

  
16 JOHN BISHOP  
Attorney for Respondent

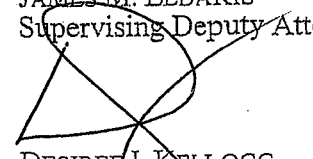
17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
19 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
20 Affairs.

21 Dated: 8/7/12

Respectfully submitted,

22 KAMALA D. HARRIS  
Attorney General of California  
23 JAMES M. LEDAKIS  
Supervising Deputy Attorney General

  
24  
25 DESIREE I. KELLOGG  
26 Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Statement of Issues No. 2012-380**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues  
13 Against:

Case No. **202-380**

14 **ELAINE LANG ROSETE**  
**aka ELAINE LY**  
15 **290 South Lemon Street, Unit 417**  
**Anaheim, CA, 92805**

**STATEMENT OF ISSUES**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
21 her official capacity as the Executive Officer of the Board of Registered Nursing, State of  
22 California.

23 2. On or about May 25, 2011, the Board of Registered Nursing, State of California  
24 received an application for a Registered Nurse License from Elaine Lang Rosete, aka Elaine Ly  
25 (Respondent). On or about May 2, 2011, Elaine Rosete certified under penalty of perjury to the  
26 truthfulness of all statements, answers, and representations in the application. The Board denied  
27 the application on September 13, 2011.

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## JURISDICTION

3. This Statement of Issues is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2736 of the Code provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

## STATUTORY PROVISIONS

5. Section 475 of the Code states:

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

(1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

(2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits.

6. Section 480 of the Code states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

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1 (2) Done any act involving dishonesty, fraud, or deceit with the intent to  
2 substantially benefit himself or herself or another, or substantially injure another.

3 (3) (A) Done any act that if done by a licentiate of the business or profession in  
4 question, would be grounds for suspension or revocation of license.

5 (B) The board may deny a license pursuant to this subdivision only if the crime  
6 or act is substantially related to the qualifications, functions, or duties of the business or  
7 profession for which application is made.

8 . . . .  
9  
10 7. Section 482 of the Code states:

11 Each board under the provisions of this code shall develop criteria to evaluate the  
12 rehabilitation of a person when:

13 (a) Considering the denial of a license by the board under Section 480; or

14 (b) Considering suspension or revocation of a license under Section 490.

15 Each board shall take into account all competent evidence of rehabilitation  
16 furnished by the applicant or licensee.

17 8. Section 493 of the Code states:

18 Notwithstanding any other provision of law, in a proceeding conducted by a board  
19 within the department pursuant to law to deny an application for a license or to suspend or  
20 revoke a license or otherwise take disciplinary action against a person who holds a license,  
21 upon the ground that the applicant or the licensee has been convicted of a crime  
22 substantially related to the qualifications, functions, and duties of the licensee in question,  
23 the record of conviction of the crime shall be conclusive evidence of the fact that the  
24 conviction occurred, but only of that fact, and the board may inquire into the  
25 circumstances surrounding the commission of the crime in order to fix the degree of  
26 discipline or to determine if the conviction is substantially related to the qualifications,  
27 functions, and duties of the licensee in question.

28 As used in this section, "license" includes "certificate," "permit," "authority," and  
"registration."

9. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny  
an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

. . . .

(f) Conviction of a felony or of any offense substantially related to the  
qualifications, functions, and duties of a registered nurse, in which event the record of the  
conviction shall be conclusive evidence thereof.

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## REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1444 states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

11. California Code of Regulations, title 16, section 1445 states:

(a) When considering the denial of a license under Section 480 of the code, the board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

....

### FIRST CAUSE FOR DENIAL OF APPLICATION

**(Feb 19, 2003 Criminal Conviction for Receiving Stolen Property on Nov 7, 2002)**

12. Respondent's application is subject to denial under section 480, subdivision (a)(1) and (a)(3)(A) of the Code in that she was convicted of a crime substantially related to the qualifications, functions, and duties of a licensed registered nurse, which would also be a cause for discipline for a licensee of the Board under section 2761 subdivision (f). The circumstances are as follows:

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1           a.    On or about February 19, 2003, in a criminal proceeding entitled *The People*  
2   *of the State of California vs. Elaine Lang Ly* in Superior Court of California, County of Los  
3   Angeles, Case Number VA074747, Respondent was convicted by her certified plea of guilty to  
4   violation of Penal Code section 496 (A), receiving stolen property, a felony. Two counts of  
5   burglary and two counts of possession of forged items were dismissed due to a plea bargain.

6           b.    As a result of the conviction, on or about February 19, 2003, Respondent was  
7   sentenced to formal probation for a period of 3 years under the following terms and conditions:  
8   Serve 2 days in Los Angeles County Jail, less credit for 2 days; perform work for 30 days for  
9   Cal Trans; pay a restitution fine in the amount of \$200.00 and abide by all other probation  
10   conditions.

11           c.    The facts that led to the conviction are that on or about November 7, 2002, a  
12   Cerritos, California resident reported to the Cerritos Sheriff's Office that someone broke into  
13   her home and stole her personal checks. On the same day, Respondent accompanied her  
14   boyfriend to a bank branch to cash a bank check belonging to the reporting resident. A bank  
15   employee recognized the Respondent as a customer and provided the Respondent's name and  
16   address to an investigating Deputy Sheriff. On or about November 22, 2002, a judge issued a  
17   warrant to search the Respondent's home for the property stolen from the complaining resident.  
18   On November 27, 2002, Deputy Sheriffs searched Respondent's home. At Respondent's  
19   residence, Respondent's father identified Respondent as one of the two depicted in pictures  
20   taken from a bank video surveillance camera taken on November 7, 2002. While the search was  
21   being conducted, Respondent drove up to the home and was thereafter placed under arrest. A  
22   Deputy searched Respondent's purse, which she had been carrying at the time of her arrest, and  
23   found two credit cards that were not issued to Respondent. The deputy also found a deposit  
24   receipt in Respondent's purse which indicated that she made a \$350.00 deposit by check into  
25   her account in or about 11:43 a.m. of November 7, 2002. Respondent was booked at the Cerritos  
26   Station and during an interview admitted that she knew the checks were stolen, but because she  
27   lost her job, she issued a \$350.00 check to herself from the complaining resident's account and

28   ///

1 deposited it into her own bank account. Respondent also admitted to stealing a purse through an  
2 open door of a car at a gas station, which contained the credit cards that were found in her purse  
3 during the search.

4 **SECOND CAUSE FOR DENIAL OF APPLICATION**

5 **(Commission of An Act Involving Dishonesty, Fraud, or Deceit)**

6 13. Respondent's application is subject to denial under section 480 (a)(2) in that on or  
7 about November 7, 2002, Respondent received a stolen US Bank check, issued \$350.00 to  
8 herself using the same check, and forged the signature of the owner in violation of Penal Code  
9 section 496 (A), receipt of stolen goods, a felony, involving dishonesty, fraud, or deceit with the  
10 intent to substantially benefit herself or substantially injure another.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
13 and that following the hearing, the Board of Registered Nursing issue a decision:

- 14 1. Denying the application of Elaine Lang Rosete, aka Elaine Ly, for a Registered  
15 Nurse License;  
16 2. Taking such other and further action as deemed necessary and proper.  
17  
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21 DATED: December 20, 2011



LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
State of California

Complainant

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